

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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SUNI BIYAWALA VINTHANAGE,	:	
	:	
Plaintiff,	:	
	:	
-v-	:	23-cv-3818 (LJL)
	:	
MERRICK GARLAND, Attorney General of the United	:	
States; ALEJANDRO MAYORAKAS, Secretary,	:	
Department of Homeland Security; and ANDREA	:	
QUARANTILLO, District Director, U.S. Citizenship and	:	
Immigration Services, New York District Office,	:	
	:	
Defendants.	:	
	:	
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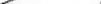
LEWIS J. LIMAN, United States District Judge:

Plaintiff commenced this action on May 7, 2023, by filing a complaint in the nature of mandamus. Dkt. No. 1. Defendants appeared on June 8, 2023. Dkt. No. 5. On July 28, 2023, Defendants sought an extension of time until November 29, 2023 to respond to the complaint. Dkt. No. 6. The Court granted that request. Dkt. No. 7. However, on November 27, 2023, Defendants moved for a further extension of time to respond, until December 29, 2023. Dkt. No. 8. In their motion, Defendants stated that “USCIS has approved the plaintiff’s Form I-485,” and requested additional time “to reach out to Plaintiff about an informal resolution, and failing that, sufficient time for Defendants to prepare their anticipated motion to dismiss as moot.” *Id.* The Court granted the requested extension, Dkt. No. 9, but Defendants still have not answered or otherwise responded to the complaint.

Defendants are hereby ORDERED to file a letter no later than February 7, 2024, describing the status of this case and addressing whether the Court must dismiss it as moot. *See Fox v. Bd. of Trustees of State Univ. of N.Y.*, 42 F.3d 135, 140 (2d Cir. 1994) (“[T]he condition of mootness is not a defense that could be waived by the Defendants, but rather is a condition that deprives the court of subject matter jurisdiction.”); *see also Uddin v. U.S. Dep’t of Homeland Sec.*, 2021 WL 2701695, at *1 (E.D.N.Y. June 30, 2021).

SO ORDERED.

Dated: January 29, 2024
New York, New York


LEWIS J. LIMAN
United States District Judge